



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,094	02/08/2000	Russel D. Leatherman	19860/09057	2120

27530 7590 06/20/2008
NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
----------	--------------

3693

MAIL DATE	DELIVERY MODE
-----------	---------------

06/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/500,094	Applicant(s) LEATHERMAN ET AL.	
	Examiner THU-THAO HAVAN	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35 and 49-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35 and 49-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

Claims 29-35 and 49-58 are pending. This action is in response to the remarks received February 19, 2008.

Response to Arguments

Applicant's arguments with respect to claims 29-35 and 49-58 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **29-35** and **49-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,717,374) in view of Bandt et al. (US 6,108,673).

Re claims **29**, **49**, and **58**, Smith teaches a method of providing an interactive fueling operation (fig. 1a) comprising:

...a fueling position on a fuel dispenser (fig. 2a, element 30);

displaying information to a customer... in response to receipt of a markup language from a server spaced from the fuel dispenser, by delivery over a network (col. 11, line 31 to col. 12, line 29);

prompting the customer to select a service with the displayed information (col. 9, line 33 to col. 10, line 55);

receiving a response from the customer identifying a selected service to be provided by the server (fig. 2b); in other words, in figure 2a the customer selects the service by entering the fueling information thus a response is received from the customer);

transferring the response from the dispenser to the server over the network (fig. 9);
and

transmitting a service from the server over the network to the fueling position based on the customer response at the fueling position (fig. 9; in other words, Smith discloses inputting messages such as advertisements, weather reports, road conditions, traffic conditions, etc. over the network in a display in related to fueling station.).

However, Smith does not explicitly teach executing a web browser as a thin client on said interactive graphical user interface. On the other hand, Brandt specially teaches the step of executing a web browser as a thin client on said interactive graphical user interface when he discloses a web browser including a thin client in relation to application using graphical user interface to operate a number of portable display tablets (col. 9, lines 9-25 and lines 50-67; col. 23, lines 18-40; col. 1, line 50 to col. 2, line 20; col. 4, lines 58-67).

Brandt discloses client computers could also be a computer such as an Internet appliance or thin client that does not have a fixed disk drive. In addition, computer networks may be employed quite differently; for example, there might be a computer network within an automobile with a server computer controlling one element, such as the fuel injection, and a client computer controlling another element, such as the operator display. A form is a

Art Unit: 3693

perceptible, structured formatted entity displayed by a graphical user interface. In that, with the advent of graphical user interfaces--where the user interacts with the computer via images, symbols and graphics--the demands on the central processor increased, so that it could no longer service the needs of a multitude of users, at a multitude of display terminals. Thus, it would have been obvious to one of ordinary skill in the art to enable a web browser as a thin client on interactive graphical user interface in relation to operating an application such as in a gas pump application since any type of mechanism to control the document being browsed could be used as disclosed by Brandt.

Re claims **30**, **50**, and **56-57**, Smith teaches delivery transfer and transmission are over the Internet (fig. 9, element 52a). In figure 9a, element illustrates a communication network. An Internet with a web browser is a type of communication network.

Re claims **31** and **51**, Smith teaches information displayed is advertising information (col. 9, lines 38-40).

Re claims **32** and **52**, Smith teaches information displayed is one of the group consisting of news, weather, sports, traffic updates and maps (col. 10, lines 19-55).

Re claims **33** and **53**, Smith teaches information displayed is merchandising information providing the customer an opportunity to select from one or more items displayed (col. 10, line 56 to col. 11, line 3).

Re claims **34** and **54**, Smith teaches information displayed is live video information of a person communicating with the customer to provide a video intercom (col. 6, lines 50 to col. 7, line 10). In other words, Smith discloses a video monitor corresponding to a video intercom as claimed.

Re claims **35** and **55**, Brandt teaches using hypertext markup language and hypertext transfer protocol to carryout the steps of displaying, prompting, receiving, transferring and providing (col. 8, lines 50-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/ThuThao Havan/
Primary Examiner
Art Unit: 3693
6/9/08

Application/Control Number: 09/500,094
Art Unit: 3693

Page 6